

**GREENBERG TRAURIG LLP**

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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

FRANCIS KELLY,  
11919 Alberta Drive  
Philadelphia, PA 19154

Plaintiff,

v.

HD SUPPLY FACILITIES  
MAINTENANCE, LTD,  
10641 Scripps Summit Ct.  
San Diego, CA 92131

Defendant.

Civil Action No. 1:14-cv-00372

Hon. Robert B. Kugler  
Magistrate Judge Ann Marie  
Donio

**Motion Date: May 19, 2014**

**NOTICE OF MOTION TO DISMISS PLAINTIFF'S  
SECOND AMENDED CIVIL ACTION COMPLAINT**

TO: Ari R. Karpf  
Christine Burke  
Karpf, Karpf & Cerutti, P.C.  
3331 Street Road  
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Bensalem, PA 19020

**PLEASE TAKE NOTICE** that, May 19, 2014, at 9:00 AM or as soon thereafter as counsel may be heard, the undersigned attorney for Defendant HD Supply Facilities Maintenance, Ltd., shall move before the Honorable Robert B. Kugler, at Courtroom 4D, Mitchell H. Cohen Building & U.S. Courthouse, 4th & Cooper Streets, Camden, NJ 08101, for an Order granting HD Supply Facilities Maintenance, Ltd.'s Motion to Dismiss Plaintiff's Second Amended Civil Action Complaint pursuant to Fed. R. Civ. P. 12(b)(6).

**PLEASE TAKE FURTHER NOTICE** that, in support of Defendant's Motion, Defendant relies upon the accompanying Brief in Support.

**PLEASE TAKE FURTHER NOTICE** that a proposed Order is submitted herewith pursuant to Local Rule 7.1(e).

Dated: April 21, 2014

Respectfully submitted,

/s/ Kelly D. Bunting  
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